

1909-005 Chancery Causes: G. C. Duff vs. J. W. Hall &
Lee Co.

Robinet, Glass, Baker, Hickam

CA - Contract Dispute
T - Property

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County, Virginia.

Humbly complaining, your orator, G. C. Duff would respectfully represent and show unto your honor, that on the first day of February, 1896, J. W. Hall purchased by contract from J. W. Glass a certain tract or parcel of land situated in Lee County, Virginia, on the North side of Powell's Mountain in the Wallens Creek country, and known as the east end of the W. M. G. Glass land, and adjoining the land of W. M. Venerable and others, and containing twenty five acres more or less, excepting from said conveyance one-third of the proceeds of the two west fields of land in said tract, and at that time in cultivation, supposed to be eight acres, during the life time of W. M. Glass and his wife, for which said tract of land the said J. W. Hall agreed to pay the said J. W. Glass \$500.00, and as evidence of said indebtedness, he executed unto the said J. W. Glass, his two notes for \$250.00 each, dated February, 1st, 1896,

the first of said two notes was due one day after date, and the other of said notes for \$250.00 was due twelve months after date, and which said notes were secured by your orator, who signed the same with the said J. W. Hall, which two said notes were afterwards paid by your orator in accordance to an agreement between himself and J. W. Hall, and said notes are herewith filed marked "Exhibit A", and prayed to be read and treated as a part of this bill.

The said J. W. Glass executed unto the said J. W. Hall a contract or title bond for said land, which said contract or bond is herewith filed marked "Exhibit B", and prayed to be read and treated as a part of this bill. The said J. W. Hall finding himself unable to pay for said land assigned the said contract under seal to your orator in the following language written and endorsed upon the back of said contract or bond, to-wit:

"For the purpose of securing for the money furnished, and secured to be paid for for the payment, for the within described land, I assign unto G. C. Duff the within bond, with the following condi-

tions, if G. C. Duff is paid back all the money with legal interest then this obligation to be void, otherwise G. C. Duff is to have full controle of said land. Given under my hand and seal, this the 10th day of Feb. 1896.

Jas. W. Hall, (Seal). "

And in pursuance of said assignment and agreement with the said J. W. Hall, your orator paid the said two notes as aforesaid unto the said J. W. Glass in his life time, and the said J. W. Glass repeatedly promised to make and execute unto your orator a good and sufficient deed for said tract of land, but having a large amount of business on hands, and being naturally careless in his business transactions any way, the making of said deed was deferred from time to time by the said J. W. Glass until he finally sickened and died without executing said deed, and your orator is informed that under the circumstances he has a right to apply to a court of equity to extract the title to the said tract of land from the heirs of the said J. W. Glass.

The prayer, therefore, of your orator is, that *Rosa Fay Robinson nee Glass, her husband, Lizzie Baker nee Glass & W. B. Baker her husband, Harward Glass, Almeda Hickam nee Glass & D. C. Hickam her husband, Sherman Glass, Nina Glass, children and heirs at law of J. W. Glass, deceased, and J. F. Glass, Guardian for Howard, Sherman and Nina Glass and J. W. Hall*

be made parties defendants to this bill, and that the adult defendants be required to answer the same in their own proper person, and that the infant defendants and heirs at law be required to answer said bill by a Guardian Ad Litem; and that M. G. Ely, be appointed Guardian Ad Litem to answer for said infant defendants, but that the said answers need not be under oath that being expressly waived; and that upon a hearing the adult heirs of the said J. W. Glass be compelled to execute unto your orator a good and sufficient deed

Mr. C. Baker, Howard Glass, Almeda Hickam, Sherman Glass, Nina Glass, D. C. Hickam, Sherman Glass, Nina Glass.

for said tract of land , and the said J. W. Hall be required to join in said deed, and that a special commissioner be appointed to execute a deed for the said infant defendants to said land, or that if the adult heirs fail to execute a deed in their own proper person for said land, that a special commissioner be appointed to execute a deed for said adult heirs unto your said orator, and for said infant heirs unto ~~your~~ said orator for said tract of land unto ~~your orator~~; and that in the event that said heirs are unable to make unto your orator a good and sufficient deed for said land ~~by~~ ^{for} any reason, then, ~~that~~ they be required to pay unto your orator the penalty of said bond or contract, which is \$1000.00; and that all such other, further and general relief be afforded your orator as in the premises may be just and right. And he will ever pray &c.

Wm. J. Hall. Jr.



\$250.00

Feb- the 1

1896

One day After date We promise to
pay to J. W. Glass or order
Two hundred and Fifty Dollars.
For value received. Payable at

And each of us, whether maker or endorser, hereby severly waives and renounces for himself and family any and all homestead or exemption rights he may have under or by virtue of the constitution or laws of the State, or of the United States against this note or renewal thereof.

No

Paid by G. B. Duff

J. W. Hull [L. S.]

Due

G. B. Duff [L. S.]

J. H. Hall & L. B. Duff
Note \$250.00



\$250.00

Feb the 1

1896



one day

After date We promise to

pay to J. W. G. Bass

or order

Two hundred Fifty

Dollars.

For value received. Payable at

And each of us, whether maker or endorser, hereby severly waives and renounces for himself and family any and all homestead or exemption rights he may have under or by virtue of the constitution or laws of the State, or of the United States against this note or renewal thereof.

No

Paid by G. C. Duff

J. W. Hall [L. S.]

Due

G. C. Duff [L. S.]



J. W. Hall & G. B. Duff

Nov 25 1852

Exhibit 9

Collateral

Blackwater Lee County Virginia

Feb- the 1. 1896

Know all men by the presence that
 the undersigned J. W. Glass of the County
 of Lee & State of Virginia has this day bargained
 & sold to J. T. Hall of the aforesaid County & State
 a certain parcel of Land situated on the North
 side of Powell Mountain in Lee County
 Virginia known as the east end of the J. W. Glass
 land adjoining the lands of Wm -
 M. Venable and others containing 25 Acres
 more or less with the ~~exultions~~ ^{the} of one
 third the proceeds of the two west field now
 in cultivation supposed to be eight
^{during the said J. W. Glass's life time}
~~Acres~~ ^{Acres} on the following terms Two
 hundred & Fifty Dollars in hand paid
 and secured to be paid, and Two hundred
 and Fifty ^{Dollars} to be paid ⁱⁿ twelve months from
 date with interest and the said J. W. Glass
 is firmly held and bound in the sum of
 one Thousand Dollars to make or cause
 to be made a good and sufficient
 deed unto the said J. T. Hall when the
 payments is fully made whereby
 the notes is now executed for the same
 this given under my hand and seal
 the day and date above written

J. W. Glass

For the purpose of securing for the money
furnished, and secured to be paid for
for the payment, for the within described
land, I assign unto G. B. Duff the within
bond, with the following conditions, if
G. B. Duff is paid back all the money with
legal interest, then this obligation to be
void, otherwise G. B. Duff is to have full
control of said land. Given under my
hand and seal this the 10th day of Feb 1896
Jas. W. Hall (Seal)

Exhibit "B"

J. W. Hall
Title and Co.
J. W. Hall

G. C. Duff

Bill in Chancery.

J. W. Hall et al.

1909 1st April Rules

Bill filed, & pa
executed on
adult debts,
& L. N. as to
them.

" 2nd Apr. Rules

Dr. conf'd as to
adult debts &
cause set for
hearing as to them.

In the Circuit Court for the County of Lee,
to-wit:

THE ANSWER OF Alma Richman, Sherman Glass
Eini Glass

infants under the age of twenty-one years, by M. G. Ely
guardian *ad litem*, assigned to defend them in this suit, to a bill of complaint exhibited against
them and others in the Circuit Court for the County of
Lee, by H. C. Duff and others.

The respondent, reserving to ~~themselves~~ the benefit of all just exceptions to the said bill, for
answer thereto, answering by said guardian *ad litem*, say that they are infants of
tender years, and by reason of such disability are incapable of understanding, or of
taking care of their rights and interests, they therefore commend the same
to the protection of the court, and prays that no decree may be pronounced which will tend
to their prejudice.

And having answered, the respondent pray to be hence dismissed with their
reasonable costs, in this behalf expended; and they will ever pray, &c.

M. G. Ely Guardian *ad litem*.

p. d.

Va. County)
OF)
Lee) ss.

This day, M. G. Ely, whose name is signed to
the foregoing answer, personally appeared before me, H. C. Joslyn a Justice
and made oath that the statements made therein, so far as they depend upon his own knowl-
edge, are true, and so far as they depend upon knowledge derived from others he believes them
to be true.

Given under my hand, this 1st day of May 1909
H. C. Joslyn J. P.

Rosa Fay Robinson et al,

adv. }

ANSWER
OF
INFANT DEFENDANT.

G. C. Duff

Filed May 3, 1909.
H. C. D. Ewing,
clerk.

M. A. L. Fee \$5.00.

G. C. Duff,

Plaintiff

vs.

In Chancery

J. W. Hall, et al,

Defendants.

This cause came on to be finally heard upon the papers formerly read in the cause, and the report of James W. Orr, commissioner filed in the cause Dec. 14th 1909, and the deed therewith executed by said Orr commissioner as aforesaid together with J. W. Hall, to the plaintiff G. C. Duff, conveying to said Duff the land ordered to be conveyed to him by the decree entered in the cause Sept. 17th, 1909, and was argued by counsel.

On consideration thereof, ~~and~~^{and} there being exceptions to said report and deed it is adjudged, ordered and decreed that the said report and deed, be and the same are hereby approved and confirmed, and the said Duff has leave to withdraw the said deed from the papers of this cause for recordation, and it is ordered that he pay to the said James W. Orr, commissioner, the sum of \$5.00 for making said deed, for which sum execution may issue. And the cause is stricken from the docket.

G. C. Duff.

rs { Decree Final.

J. W. Hall et al.

Entered in C.O.B.
#8, page 573

Enter this Decree.

~~It is as shown~~

Decr 14 1909.

G. C. Duff,

Plaintiff

vs.

In Chancery

J. W. Hall, et al,

Defendants.

This cause came on to be heard upon the bill of the plaintiff, and the exhibits therewith, the process duly executed on the adult defendants, and the cause regularly matured at rules and set for hearing as to said adult defendants, and the answer of M. G. Ely, Guardian Ad Litem for the infant defendants, and was argued by counsel.

On consideration thereof and the adult defendant failing to appear, plead, demur or answer the bill is taken for confessed against them. And it is adjudged, ordered and decreed that the plaintiff is entitled to specific execution of the contract in the bill mentioned, and there being no conveyance of the lands sold by said contract, by the adult heirs of J. W. Glass, deceased, and it appearing to the court that the plaintiff is entitled to a proper conveyance of said land, it is further adjudged, ordered and decreed that J. W. Orr, who is appointed a commissioner for the purpose, do convey by proper deed, with covenants of special warranty as to himself, and with covenants of general warranty as to the heirs of the said J. W. Glass, deceased, to the plaintiff G. C. Duff. ^{the said tract of land} Subject to the exceptions of one-third of the proceeds of the two west fields in cultivation at the time of the execution of the said contract, supposed to be eight acres. ^{and} It appearing from the allegations of the bill and exhibits filed therewith that the plaintiff G. C. Duff has paid the full amount of the purchase price for said land, ^{and that} the said defendant J. W. Hall ~~as~~ assignee, ^{and transferred} and ~~trustee~~ to the said plaintiff all his interest in the said contract provided the said G. C. Duff did pay the amount of the purchase money, It is therefore adjudged, ordered and decreed that the said Hall shall join in said deed with the said commissioner

and convey any interest that ^{he} may ~~he~~ have had in the said tract of land to the said G. C. Duff, and should he fail to do so, then the said commissioner shall convey for him such interest as he may have had as aforesaid. And it appearing that said purchase money was paid in the life time of the said J. W. Glass, and the failure to make a deed of conveyance was ^{the fault} ~~that~~ of the said J. W. Glass, it is adjudged, ordered and decreed that the plaintiff recover his costs, in this behalf expended, from the said Rosa Fay Robinett, Lizzie Baker, Howard Glass, Almeda Hickham, Sherman Glass, ^Y Eunia Glass, which recovery ~~so far~~ ^{the} as to ^{the} infant heirs, Almeda Hickham, Sherman Glass and Eunia Glass ~~are concerned~~ shall be paid by the defendant J. F. Glass their Guardian, but this cost is not to include the fee of the said J. W. Orr, commissioner for making said deed, but the said complainant shall pay to the said J. W. Orr, commissioner aforesaid, \$5.00 for making said deed. And said commissioner J. W. Orr having made and reported said deed the same ^{will report his action hereunder} ~~is approved and confirmed by the court, and the plaintiff has~~ ^{to the next term of the court,} leave to withdraw the same from the papers of this cause for recordation. And the cause is ^{Continued.} ~~stricken from the docket.~~

J. C. Duff.
vs. E. Green
J. W. Hall et al

Entered in C.O.B.
8, page 5334e

Enter this decree
Hawson
Sept 17/1907.

G. C. Duff,

Plaintiff.

vs.

In Chancery

J. W. Hall, et al,

Defendants.

The undersigned commissioner in this cause respectfully reports that pursuant to the decree entered therein on the 17th day of September, 1909, he together with J. W. Hall, have executed to G. C. Duff^a proper deed as required by said decree for the tract of land in the cause mentioned and ordered to be conveyed to said Duff by said decree, which deed is herewith filed as part hereof marked "Deed" for confirmation.

Dec. 14 1909.

James W. Orr, Commissioner,

G. C. Duff
vs. } Cairns Report.
J. W. Hall et al.

Filed Dec 14, 1919.

H. O. Ewing,
Clerk.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *Rosa Fay Robinett, ree Glass,*
Will Robinett, Lizzie Baker, ree Glass, W.P. Baker,
Howard Glass, Almedia Hickam, ree Glass, Sher-
man Glass, Essie Glass, J.F. Glass, Guardian,
and J.W. Hall

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on

the *1st* Monday in *April*, 190*7*, to answer a bill in chancery exhibited against *them*

in our said Court by G.C. Duff.

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *22nd*

day of *March*, 190*7*, and 1*33*rd year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk

_____, Clerk

G. C. Duff

VS

SUBPOENA
IN
CHANCERY

Rosa Fay Robinson,
et al,

Or & W. H. P. G.

To 1st April Rules
Lee Circuit Court
1909

Executed by delivering a
True copy to J. W. Holly
this March 23 - 1909
G. V. Sage. D. S. for W. J. Tucker
S. D. C.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *Rosa Fay Robinette, nee Glass,*
Will Robinette, Lizzie Baker, nee Glass, W.P. Baker,
Howard Glass, Almedia Hickam, nee Glass, Sher-
man Glass, Eunice Glass, J.F. Glass, Guardians,
and J.W. Hall.

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on
the *1st* Monday in *April*, 190*9*, to answer a bill in chancery exhibited against *them*
in our said Court by G.C. Duff

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *22nd*
day of *March*, 190*9*, and 1*33rd* year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk

_____, Clerk

G.C. Duff

VS

SUBPENA
IN
CHANCERY

Rosa Fay Robinett,

et al,

Orn & Noel, p. q.

To

1st April

Rules

Lee Circuit

Court

Executed By Believing
a copy to W.P. Baker
Sizel Baker W.W. Robinett
Rosa Fay Robinett
Howard G. Hall and

J.F. Hall. This. copy 2
W.E. Hall 21 1909
for my Exch. 15c

I accept notice of the return process as one
of the defense bank of this court, this 1st April
by the 1909.
D.E. Hickman